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## THE ARIZONIAN,

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OF ARIZONA.

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### Mining Laws.

We extract the following paragraph from a letter written by Ex-Governor Denver, of Kansas to Hon. Alex. H. Stephens, House of Reps., in reply to a note asking for information in relation to the new Territory to be organized out of the western parts of Kansas and Nebraska. His remarks are to the point, and are equally applicable to the vast mineral regions embraced in the Gadsden Purchase.

"The mineral resources have been but very partially developed, but there is no doubt of the existence of gold in considerable quantities over a large extent of country. As far as my knowledge extends, the discoveries of gold have thus far been confined to the eastern slope of the mountains, the principal workings of the mines have been on the head waters of the South Platte. It has been found also, as I am informed, on the North Platte, and on the Arkansas, above Bent's Fort. There can be but little doubt, however, from the geological structure of the country, that the western slope will be found richer than the eastern, and that such will be found the character of the mineral deposits southward for some distance into New Mexico, where the silver and copper take the place of the gold.

In this connection it may be well to direct your attention to the importance of providing laws and regulations for the government of the Territory. As there is no territory any nation on the globe with mines of the precious metals so extensive as ours, and yet, strange to say, Congress has passed no laws in relation to them, nor has it yet been decided whether Congress has a right to sell or otherwise dispose of the mines. The laws of Spain and Mexico recognize the mines of precious metals as a part of the eminent domain which belongs to the sovereignty, and cannot be alienated. The common law of England agrees with this rule in every particular. In the celebrated case of Pollard's Lessee vs. Hagan, *et al.*, (3d Howard Supreme Court Reports,) the Supreme Court decided that Congress could not interfere with the eminent domain, even in a Territory, but could hold it in trust only for the future State. If this be so with the Territories, the argument would seem to apply with much greater force to the States of the Union. The sovereignty of the State governments, within their respective States is undoubted, and the right of eminent domain can belong only to the Sovereign power. In several of the States and in all of the Territories, the Federal Government is a great land-owner—nothing more. Her lands are exempt from taxation by agreement with the States, but in nothing else does she occupy a different position with regard to the rights of ownership, or with regard to the rights of eminent domain, from that of any other landed proprietor. She may exercise rights of ownership over her property, but can not interfere with the eminent domain—with the sovereignty.

Thus far Congress has in no instance acted in contravention of this principle, nor have many of the States asserted their right to the mines of precious metals found within their borders, though some of them have done so, as for instance New York and Pennsylvania. The settlement of these questions is of the greatest importance to the mining interests of the country, and no correct settlement is likely to be had unless they are thoroughly understood.

However this question may be decided with regard to the States, there can be no doubt but Congress may, even as trustee for the future State, adopt such rules and regulations for the management of the mines in the Territories as may be deemed necessary, and the sooner this is done the better. One thing and only one seems to have been determined on, and that is, that the mines shall be left for all to work with-

out paying a rental to the Government. This was certainly a wise and liberal policy, and one which should not now be departed from. The laws of Spain which were adopted entire by Mexico, constitute the most complete mining code in the world, but they provide that a portion of the proceeds of the mines shall be paid over to the Government. After changing them in that particular they might then be adopted with advantage for the government of our own mines. They are equitable and just, and while they fully protect the mining interests, none of the other great interests of the country are neglected. The lands may be sold but the minerals are reserved by operation of law as a part of the eminent domain. Any one may enter the land of another and work a mine, but before doing so he must pay the owner the agricultural or grazing value for so much of the land as may be necessary for carrying on the business. Thus it will be seen that the rights of all are protected.

### Sufferings of an American in the Prisons of Sonora.

In March, 1857, J. M. Ainsa, brother-in-law of Col. Crabbe, who, with his party, was massacred, had charge of a store at a place called Buena Vista, within the limits of Arizona, and about three miles from the Mexican line. On the night of the 13th of April, several days after the massacre of Col. Crabbe's party, a body of 35 armed Mexican soldiers came over the line, surrounded the store, and took prisoners Mr. Ainsa and four sick emigrants who had not been able to go forward with Col. Crabbe. These sick Americans were named Charles Harrison, John Banker, Charles Parker and Thomas Long, all of Tuolumne Co., Cal. Ainsa made preparations for defence, but, upon the most positive assurances of the commander of the Mexican soldiers, Arviso, and the other officers, of good treatment, if they surrendered peacefully, they yielded. The four sick men were almost immediately taken out of the house and murdered, and the store robbed. Ainsa was taken to Caceres, by the orders of General Gabillondo. The journey occupied two days and nights, and was otherwise a severe one. The Mexican party, with their prisoner on a mule, was received on the plaza with a salute of twenty-one guns. Gabillondo then had Ainsa taken before Jesus Rivera, Justice of the Peace, who held his court in a long hall, decorated throughout with scarlet tapestry. The officers too, were all draped in red clothes. Gabillondo preferred his charge against Ainsa in the blasphemous terms. It was in substance that he had harbored and succored a portion of Col. Crabbe's party. Ainsa was condemned to death and sent to prison to prepare for his fate. Overcome with excitement and fatigue, he fell asleep, and in that state, Gabillondo called at the prison, and upon being told that he was asleep expressed the greatest astonishment, and said it was a pity such a man should be shot. Then in soliloquy he said: "Shoot him! Shall I shoot him or not? I will not do it!" So his life was spared. He was given up to the military authorities again, and taken to Altar, twenty-five miles distant, under a guard of riflemen. He rode on a mule, without saddle or bridle, and entered the town with his back to the mule's head, by his own choice, the commander of the escort leaving him free to shift his position from time to time and smoke his pipe. The populace not demanding his death at Altar, he was escorted to Hermosillo, where he was placed in solitary confinement. Next he was sent to Guaymas, and turned over to the civil authorities, and by the District Court of Sonora sentenced to five years' banishment, after he had been compelled to sign a confession he had never made. After having been in prison about sixteen months, without being allowed to communicate with the American Minister, or any consul, he was unexpectedly sent to Mazatlan, a free man. He remained there twenty-five days without molestation. He then proceeded to San Blas, where he had to wait fifteen days for a passage to San Francisco.

A Bill has passed both houses of Congress, relative to a reservation of public lands in Kansas for the Indians of New York. It sets apart 320 acres for each individual Indian who is removed from New York to the reservation assigned to them under the treaty of 1838; the Indians to have one year within which to make their selections and pre-emptions; to be secured from the date of the settlement; land within the Reservation not appropriated by the Indians will be sold for their benefit.

### The Haytian Revolution.

The revolutionary movements in Hayti, though with an insignificant beginning, seems to have rapidly spread through the country, and threatens the overthrow of the power of the mulatto Emperor Solouque. It was begun at Gonaives by four men, who courageously rode into town, and opened the jails where the political and other prisoners were confined. Joined by this accession to his force, Jefferd visited the Governor who at once resigned. The Republic was proclaimed, and Jefferd was named the provisional President. Several decrees were issued by the Provisional Council, one releasing all prisoners confined in the prisons of the Republic for political offences. Another declares that Solouque has abused his power, shed innocent blood, and that his administration was a series of robberies. He is therefore deprived of power for having thrown citizens into prison without a trial; appropriated the funds of the general treasury; appropriated the fifth of the coffee products; appropriated the products of the sale of mahogany from the State grounds; emitted treasury notes for his own profit; organized a forcible pillage of vessels on the coast; misdeeds which have compromised the honor of several Haytiens, and of many strangers, who have been prevented from fulfilling their engagements. Another decree orders the destruction of the dungeons of the fort at Gonaives. Another decree revokes the decrees of banishment of those who have been convicted of political offences.

Hayti has been the scene of important political events from the first overthrow of the whites by the negroes, after their liberation by the first French Republic. The Spanish portion of the island, after an unsuccessful attempt at revolution in 1842 succeeded in establishing a separate Republic, San Domingo. Solouque, in 1849, attempted to bring this portion of the island into submission to the Haytian rule, but he got beaten. In the same year he overthrew the Haytian republic and made himself Emperor, with the title of Faustin the 1st, surrounding himself with an aristocracy of dukes, counts and nobles of various degrees of distinction and of color, from the blackest African hue to the lightest mulatto. His imperial sway has so far been uninterrupted. He has never recognized the independence of San Domingo, but has never been able to reconquer it. The recent outbreak in his own dominions will give him something to occupy his imperial thoughts.

### Latest from Mexico.

General Echegaray issued a pronunciamento at Ayutla, on the 20th Dec., declaring himself President, but the movement was not seconded at the capital. The troops pronounced in favor of Gen. Robles on the 23d, and he issued a call for three delegates from each State to form a junta. The junta convened, and on the second ballot elected Gen. Miramon President, by a small majority over Robles. Gen. Robles remained in power until the arrival of Miramon at the capital. The latter entered the capital, with 1,000 cavalry, on the 26th of January. He disapproved of Robles's acts, and displaced him, appointing Gen. Sales to the command of the army. He reinstated Zalanga, who, being abandoned by both populace and troops, had retired to the house of the English minister.

It is stated that the reinstatement by Miramon of Zalanga was at the instance of France and England, who have special interest in his administration in connection with the debts due those governments.

A correspondent of the New York Times, writing from the City of Mexico, says: "Serious fears are now being expressed of a forthcoming famine in this country. For over a year very little corn has been planted or gathered. The stock on hand is now reduced to a low figure. In many places want is already being felt sensibly by the poor. With this terrible argument in favor of peace, and a resort to the plough and hoe again for a while, the country appears to be growing more exasperated and more demoralized."

It is reported that Miramon intends marching on Vera Cruz with a strong force. The Juarez government was firm at last advice; and the Liberals had routed Negretts near Jalapa.

The N. O. Picayune's correspondent writes that the Mexican war schooner Iturbide had been captured by an American and six foreigners, who killed six of her crew and escaped with the vessel. No date of the affair is given.

### News Items.

THE Washington States says the late slave-trade development in Georgia has excited the deepest disgust throughout the entire Southern delegation in Congress, and meets with no apologists and defenders. The universal impression seems to be that the law should be enforced with rigor against the offenders.

Accounts from the east report heavy snow-storms and severely cold weather during the month of January. Sleigh-riding, skating, and other sports, were the order of the day, and many incidents of interest occurred. A young clergyman, skating down the Connecticut at great speed, came so unexpectedly upon a group of young ladies that he could not turn to avoid them, and therefore, to prevent accident, caught one by the waist and took her with him. As soon as the astonished female could recover her speech, he was saluted with "Who's dat, a huggin' me so?" and, on looking upon his frail burden's face, the young clergyman found that it was black as night. He did not carry her far, and doesn't enjoy compliments for his politeness.

THE Illinois Penitentiary buildings at Alton were partially destroyed by fire on the evening of February 8th. Loss unknown. No prisoners escaped.

FINE stock is being imported into Texas in large quantities. The New Orleans Picayune says: "This season the number is far greater than ever, and, in addition to the ordinary domestic stock, we see that fresh importations of camels and cashmere goats are being introduced. The former are known to do better in Texas than in their own native country, while there can be no doubt that the finest goats will increase and thrive as well."

THE Superintendent of the Philadelphia Mint reports that he has assayed some pieces of gold taken from various places within ten or fifteen miles of Henry Creek and the South Fork of Platte River, and that it was worth a fraction over \$20 an ounce assay. This is superior in quality to California gold, and fully equal to Australia gold.

PROPOSED TERRITORY OF COLORADO.—The name selected for the gold-bearing region in the vicinity of Pike's Peak is Colorado, which Territory takes in the western portions of both Kansas and Nebraska. Col. H. J. Graham, who was at Washington last winter, as the Delegate of the inhabitants, to urge the establishment by Congress of a Territorial Government for Colorado, furnishes the following information about the country. As to its climate, he says that remoteness from the sea and altitude secure a tonic atmosphere, warm, cloudless, brilliant and serene; and in respect to soil, that there are level mesas of great fertility, canons, delicious valleys, rivers, and great forests. Wheat, rye, barley, oats, fruit and vegetables, of all kinds, can be cultivated abundantly and successfully. A rich, heavy burden of grass covers the ground, especially on the bottoms along the streams. The only drawback is lack of rain in Summer and Autumn. Gold is abundant, and more equally distributed than in California. Agriculturists are turning their attention that way, as well as miners. Col. Graham expects an immense emigration in the Spring, and that before the close of another year, the Territory will contain 100,000 inhabitants.

THE first newspaper in Ohio was printed in 1793. Now there are 349 weekly, 23 semi-weekly, and 31 daily newspapers.

NEW CONSTITUTION FOR KANSAS.—A bill has passed both Houses of the Kansas Legislature, now in session at Lawrence, making provision for the formation of a constitution and State Government for that Territory. The Constitutional Convention provided for is to meet on the 1st of July at Wyandotte City. The Constitution formed by this Convention is to be submitted to the people on the 1st Tuesday of October. The State officers are to be elected under the Constitution on the first Tuesday in December.

THE Secretary of War recommends the employment of army officers as Indian Agents.

AN appropriation of \$70,000 is annually made by Congress "for the collection of agricultural statistics, investigations for promoting agriculture and rural economy, and the procurement and distribution of cuttings and seeds." This appropriation is expended by the Commissioner of Patents under the direction of the Secretary of the Interior.